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8 Attorneys for Defendant,  
9 **CAL-REGENT INSURANCE SERVICES CORPORATION**

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CENTURY SURETY COMPANY,

)CASE NO: 13-CV-1488 JM (JMA)

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Plaintiffs,

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v.

)**CAL-REGENT INSURANCE**

)**SERVICES CORPORATION'S**

)**OBJECTION TO CENTURY**

)**SURETY COMPANY'S PRE-TRIAL**

)**DISCLOSURES**

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)**Complaint Filed: June 26, 2013**

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)**Judge: Hon. Jeffrey T. Miller**

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)**Pre-Trial Conference: Feb. 19, 2016**

CAL-REGENT INSURANCE SERVICES  
CORPORATION,

Counterclaimant,

v.

CENTURY SURETY COMPANY,

Counterclaim-Defendant

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**TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

Defendant and Counter-Claimant Cal-Regent submits the following objections to Plaintiff's Pre-Trial Disclosures:

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**Evidentiary Objections**

	Plaintiff's Exh. No. __: Automobile Loss Notice (06/27/2008)	Hearsay; relevance; foundation.
	Plaintiff's Exh. No. __: July 11, 2008 Denial Letter from Shari Oshima Allan	Hearsay; relevance; foundation.
	Plaintiff's Exh. No. __: July 11, 2008 e-mail from Lora Tellefsen to Richard Nagby	Relevance
	Plaintiff's Exh. No. __: July 14, 2008 email from Ron Jacobs to Nagby and David Cleff	Relevance
	Plaintiff's Exh. No. __: July 14, 2008 email exchange between Jacobs and Nagby	Relevance
	Plaintiff's Exh. No. __: Excerpt from State National Policy CR5-16696	Foundation
	Plaintiff's Exh. No. __: Excerpt from ISO form CA0005 (10/01)	Foundation
	Plaintiff's Exh. No. __: Excerpt from ISO form CA0005 (03/06)	Foundation
	Plaintiff's Exh. No. __: General Agency Agreement between Cal-Regent and State National	Relevance
	Plaintiff's Exh. No. __: Reinsurance Agreement between Cal-Regent, State National, and Odyssey America Reinsurance Corp.	Relevance
	Plaintiff's Exh. No. __: <i>Waldersen v. Sullivan</i> complaint (Dec. 29, 2008)	No objection
	Plaintiff's Exh. No. __: January 26, 2009 letter from Robert Moore to Shari Oshima	Relevance; foundation

1	Plaintiff's Exh. No. __: February 2, 2009 Denial Letter from Vista Claims Services	Relevance; foundation
2	Plaintiff's Exh. No. __: July 27, 2009 Letter from Michael Tarpey to Oshima demanding \$1,000,000 to settle <i>Waldersen v. Sullivan</i>	Relevance; foundation
3	Plaintiff's Exh. No. __: July 27, 2009 Letter from Robert Moore to Oshima demanding settlement	Relevance; foundation
4	Plaintiff's Exh. No. __: July 27, 2009 email from Oshima to Tellefsen	Relevance; foundation
5	Plaintiff's Exh. No. __: July 30, 2009 email from Tellefsen to Nagby; Cleff and Brett Mishket	Relevance
6	Plaintiff's Exh. No. __: July 31, 2009 e-mail from Nagby to Tellefsen	Relevance
7	Plaintiff's Exh. No. __: July 31, 2009 e-mail from Tellefsen retaining Brian Worthington	No objection
8	Plaintiff's Exh. No. __: August 5, 2009 Letter from Moore to Tellefsen	Relevance; foundation
9	Plaintiff's Exh. No. __: August 6, 2009 email from Tellefsen to Worthington, Nagby and Mishket	Relevance; foundation
10	Plaintiff's Exh. No. __: August 6, 2009 email from Worthington to Tellefsen, Nagby and Mishket	Foundation
11	Plaintiff's Exh. No. __: August 6, 2009 email from Tellefsen to Worthington	Relevance; foundation
12	Plaintiff's Exh. No. __: August 7, 2009 email from Worthington to Tellefsen	Relevance; foundation
13	Plaintiff's Exh. No. __: August 7, 2009 email from Worthington to Tellefsen	Relevance; foundation
14	Plaintiff's Exh. No. __: August 10, 2009 email from Tellefsen to Nagby and	Relevance; foundation

1	Worthington	
2	Plaintiff's Exh. No. __: August 10, 2009 4 emails between Nagby, Worthington and Tellefsen	Relevance; foundation
3	Plaintiff's Exh. No. __: August 10, 2009 Opinion Letter from Worthington to Tellefsen	No objection
4	Plaintiff's Exh. No. __: August 10, 2009 Letter from Worthington to Moore, et al.	Relevance; foundation
5	Plaintiff's Exh. No. __: December 29, 2009 Settlement Agreement in <i>Waldersen v. Sullivan</i> lawsuit	Relevance; foundation
6	Plaintiff's Exh. No. __: December 29, 2010 <i>Waldersen v. State National</i> complaint	Relevance; foundation
7	Plaintiff's Exh. No. __: January 21, 2011 Letter from Annalaura Miller to Nagby re <i>Waldersen v. State National</i>	Relevance; foundation
8	Plaintiff's Exh. No. __: May 16, 2011 email from Bryan Murphy to Nagby re draft msj	Relevance; foundation
9	Plaintiff's Exh. No. __: May 25, 2011, Cal-Regent Application for Century Surety policy	No objection
10	Plaintiff's Exh. No. __: Referral Criteria & Prohibited Classes	Relevance; improper opinion
11	Plaintiff's Exh. No. __: First Capital Quote	Relevance; foundation
12	Plaintiff's Exh. No. __: Century Surety policy CCP 707046	No objection
13	Plaintiff's Exh. No. __: August 30, 2011 emails from Nagby to Clarissa Reiman and Tellefsen	Relevance; foundation
14	Plaintiff's Exh. No. __: October 12, 2011 Letter from Murphy to Nagby and Tellefsen	Relevance; foundation

1	Plaintiff's Exh. No. __: April 16, 2012 email from Nagby to Richard Sanjaya	No objection
2	Plaintiff's Exh. No. __: April 17, 2012 emails between Nagby, Sanjaya, Joshua Collins, Laura Gookin, and Anthony Modd	Relevance; foundation
3	Plaintiff's Exh. No. __: April 19, 2012 email from Nagby to Century Surety	No objection
4	Plaintiff's Exh. No. __: April 20, 2012 email from Modd to Nagby	No objection
5	Plaintiff's Exh. No. __: April 24, 2012 Letter from Reiman to Modd forwarding the <i>Waldersen v. State National</i> bad faith complaint and summary judgment pleadings	No objection
6	Plaintiff's Exh. No. __: Century Surety policy CCP 760083	No objection
7	Plaintiff's Exh. No. __: May 31, 2012 Century reservation letter from Modd to Nagby	No objection
8	Plaintiff's Exh. No. __: August 2, 2012 emails between Modd and Nagby	No objection
9	Plaintiff's Exh. No. __: August 9, 2012 email From Kristin Gatherum to Nagby	No objection
10	Plaintiff's Exh. No. __: August 20, 2012 email exchange between Modd and Nagby	No objection
11	Plaintiff's Exh. No. __: August 31, 2012 email from Bruno to Nagby	Relevance; foundation
12	Plaintiff's Exh. No. __: September 18, 2012 email from Bruno to Nagby	Relevance; foundation
13	Plaintiff's Exh. No. __: December 13, 2012 emails between Nagby and Traci McGuire	Relevance; foundation
14	Plaintiff's Exh. No. __: December 14, 2012 emails between Nagby and McGuire	Relevance; foundation
15	Plaintiff's Exh. No. __: January 18 13, 2013 email from Nagby to McGuire	Relevance; foundation

1	Plaintiff's Exh. No. __: January 25, 2013 email from McGuire to Nagby	Relevance; foundation
2	Plaintiff's Exh. No. __: January 28, 2013 email from Nagby to McGuire	Relevance; foundation
3	Plaintiff's Exh. No. __: January 30, 2013 Letter from Michael Gruber to Century Surety	Relevance; foundation
4	Plaintiff's Exh. No. __: February 8, 2013 Letter from Thomas Crouch to Nagby	Relevance; foundation
5	Plaintiff's Exh. No. __: March 12, 2013 Settlement Agreement of <i>Waldersen v. State National and Vista</i>	Relevance; foundation
6	Plaintiff's Exh. No. __: August 1, 2013 <i>State National v. Cal-Regent</i> Complaint	No objection
7	Plaintiff's Exh. No. __: January 29, 2013 Declaration of Richard K. Nagby and attached exhibits from <i>Waldersen v. State National</i> lawsuit	Heresay; Mr. Nagby is not unavailable as a witness.
8	Plaintiff's Exh. No. __: Declaration of Lora Tellefsen and attached exhibits from <i>Waldersen v. State National</i>	Heresay; Ms. Tellefsen is not unavailable as a witness.
9	Plaintiff's Exh. No. __: Traci A. McGuire's Declaration summarizing all attorney fees and expenses Century Surety incurred in the defense of Cal-Regent in the Arizona Arbitration Proceeding with State National, and supporting documentation attached thereto	Improper testimony; Ms. McGuire is an employee of Century Surety and must offer her testimony in live fashion, subject to cross-examination
10	Plaintiff's Exh. No. __: Century Surety Check No. 898639 in the amount of \$2,500,000 issued to State National Insurance Company in settlement of its claims against Cal-Regent.	No objection
11	<b><u>3. Deposition Testimony</u></b> Plaintiff's Exh. No. __: Excerpts from Shari (Oshima) Allan's July 27, 2011 deposition in <i>Waldersen v. State National</i> lawsuit, including: pages 1, 2, 4:8-20; 11:4-12; 13:20-14:2; 15:22-24; 16:14-	Improper use of deposition testimony; Ms. Oshima is not unavailable as a witness.

1      17:1;  
2      17:14-21; 18:9-18; 25:25-26:8; 40:2-12; 46:13-15;  
3      69:5-16; 72:4-  
4      14; 90:13-23; 109:18-21; 152:17-25; 153:16-24;  
5      157:3-5; 161:14-  
6      17.

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8      DATED: February 5, 2016

9      **GINDER LAW GROUP**

10     /s/Eric Ginder

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ERIC R. GINDER

12     Attorneys for Defendant/Counterclaimant,  
13     CAL-REGENT INSURANCE SERVICES  
14     CORPORATION

## DECLARATION OF SERVICE

1. I, the undersigned, declare that I am over the age of eighteen years and not a party to the action; I am employed in the County of Orange, California, in which county and within-mentioned mailing occurred; my business address is 120 Tustin Ave., Ste. C-1095, Newport Beach, CA 92663. On the date set forth below I served the following document(s) described as:

2. On the following person(s) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows

Gregory B. Scher, Esq.  
WOOLLS & PEER  
One Wilshire Building  
624 South Grand Ave., 22<sup>nd</sup> Fl.  
Los Angeles, CA 90017  
T: 213-629-1600  
F: 213-629-1660  
**BY PERSONAL SERVICE**

## BY PERSONAL SERVICE

The documents were served by the following means (specify):

3. [ X ] **BY MAIL:** I placed a true copy thereof in a separate envelope for each addressee as indicated. It was deposited with the U.S. Postal Service on that same day and addressed to the below-listed parties; I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Escondido, California. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on the same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one (1) day after the date of deposit for mailing in the affidavit;

] **BY FACSIMILE.** I caused said document to be transmitted by facsimile transmission to the number indicated after the addresses noted above.

] **BY PERSONAL SERVICE.** I caused such envelope to be delivered by hand this date to the offices of the address, referenced above.

1 2 3 4 5 6 7 8	<p>[ ] <b>BY UNITED PARCEL SERVICE.</b> I caused such envelope to be delivered to UPS for overnight courier service to the offices of the addressees.</p>
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<p>[ x] <b>BY ELECTRONIC MAIL.</b> I hereby certify that I electronically transmitted the attached documents(s) to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the above-listed CM/ECF registrants.</p>
	<p>[ X ] <b>FEDERAL.</b> I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p>

Executed on Date: **February 5, 2016** at Newport Beach, California.

11  
12 **LENG CHAO**  
13 (TYPE OR PRINT NAME OF  
DECLARANT)

14  
15   
16 (SIGNATURE OF DECLARANT)